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    Attorneys for Defendant
   TIFFANY HADDISH, an individual
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                        UNITED STATES DISTRICT COURT
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                      CENTRAL DISTRICT OF CALIFORNIA
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   JANE DOE, Individually and on behalf
                                              Case No.: 2:22-cv-06369-SB (JPRx)
   of JOHN DOE, a minor individual,
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                        Plaintiffs,
                                              JOINT RESPONSE AND
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                                              STATEMENT OF POSITION
                                              REGARDING SEALING
         v.
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                                              COMPLAINT
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    TIFFANY HADDISH, an individual,
   and ARIES SPEARS, an individual,
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                        Defendants.
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         This Court temporarily sealed the Complaint (Dkt. No. 1) in this matter by Order
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   dated September 9, 2022, following the case's removal from the California Superior
   Court for Los Angeles County. This Court noted that the Complaint includes several
   photographs of a minor Plaintiff in an undressed state, "in contexts that Plaintiffs claim
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   are sexually suggestive." (Dkt. No. 7). Hence, this Court sua sponte directed the clerk
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   to temporarily seal Dkt. No. 1 and requested the parties "to file a joint response
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   identifying relevant legal authority and stating their position as to whether the filing
   should remain permanently under seal." This document is the joint response of
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   Defendant Haddish and Plaintiffs, who have appeared pro se and are using pseudonyms
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JOINT RESPONSE & STATEMENT OF POSITION RE: SEALING COMPLAINT

2:22-cv-06369

Jane and John Doe, explaining their mutual position that Dkt. No. 1 *should* remain under seal. No other party has made an appearance.

I. <u>LEGAL STANDARD.</u>

Although a court's "starting point" in considering a request to seal a judicial record is a "strong presumption in favor of access," *Kamakana v. City & Co. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006), that presumption may be overcome by "compelling reasons supported by specific factual findings that outweigh the general history of access" *Id.* at 1178-79 (citation omitted). This court has found that the "compelling reasons" standard applies to the sealing of a complaint. *Gamino v. IUPC Healthcare Holdings, Inc.*, ____ F. Supp. 3d ____; 2021 U.S. Dist. LEXIS 227440, at *6 (C.D. Cal., Aug. 18, 2021).

II. <u>COMPELLING REASONS EXIST TO SEAL THE COMPLAINT IN THIS MATTER.</u>

The Plaintiffs filed using pseudonyms to protect the identities of persons who were minor children at the time of alleged sexual assaults. Dkt. No. 1, ¶¶ 4, 5 (fictitious names used to protect Plaintiffs' "privacy as a victim of childhood sexual harassment, molestation, abuse, and assault"). However, the photographs included in the Complaint potentially provide a basis for identifying at least one of the Plaintiffs, John Doe, who is still a minor. The full public availability of the Complaint could permit public identification of Plaintiff John Doe and, by association, Plaintiff Jane Doe.

In *Prasad v. Simmons*, ___ F Supp 3d ___; 2019 U.S. Dist. LEXIS 21979, at *5 (N.D. Cal. Feb. 8, 2019), a district court found that a filed document containing the personally identifying information of minor children, along with allegations of sexual abuse of minors, constituted "compelling reasons" to seal the document.

Similar considerations in this case should overcome the access presumption as to Dkt. No. 1. Public availability of the Complaint could subject the Plaintiffs, if identified, to humiliating scrutiny that they have sought to avoid using pseudonyms. Conversely, the public's interest in access is limited under the circumstances here. The

presumption in favor of access is rooted in the interest of citizens in "keep[ing] a watchful eye on the workings of public agencies[.]" Nixon v Warner Communications, 435 U.S. 589, 598; 98 S. Ct. 1306; 55 L. Ed. 2d 570, 579 (1978). The public agency at issue here – this court – has had little involvement in this case given its recency. 5 Therefore, the compelling interest in protecting vulnerable children from identification and potential opprobrium outweighs the public access interest. 7 Accordingly, the parties jointly request that this Court enter an order 8 permanently sealing Dkt. No. 1. 9 10 Respectfully submitted, Dated: September 16, 2022 11 **ALBRIGHT, YEE & SCHMIT, APC** Clifton W. Albright, Esq. 12 Monica Blut, Esq. 13 Bryan E. Luther, Esq. 14 15 DocuSigned by: 16 17 Clifton W. Albright, Esq. 18 Attorneys for Defendant 19 TIFFANY HADDISH 20 Dated: September 16, 2022 Jane Doe, an Individual for herself 21 22 23 DocuSigned by: 24 Jane Doe 25 26 27 28 [Signatures continued on next page]

Dated: September 16, 2022 Jane Doe, as Guardian on Behalf of John Doe, a minor DocuSigned by: By: Jane Doe as Guardian on behalf of John Doe, a minor

1 CERTIFICATE OF ELECTRONIC SERVICE For Documents Filed Using CM/ECF 2 When Not All Case Participants Are CM/ECF Participants 3 Jane Doe and John Doe v. Tiffany Haddish and Aries Spears USDC Central District of California Case No. 2:22-cv-06369-SB (JPRx) 4 5 I am employed in the County of Los Angeles, State of California, United States of America. I am over the age of eighteen and not a party to the within action. My business address is: 707 Wilshire Boulevard, Suite 3600, Los Angeles, California 7 90017-3516. 8 I hereby certify that on September 16, 2022 I electronically filed the foregoing 9 with the Clerk of the Court for the United States District Court, Central District of California, by using the CM/ECF system. Participants in the case who are registered 10 CM/ECF users will be served by the CM/ECF system. 11 I further certify that some of the participants in the case are not CM/ECF users. 12 I have served the foregoing document by Electronic Service via email pursuant to 13 F.R.C.P. Rule 5(b)(2)(E): 14 JOINT RESPONSE AND STATEMENT OF POSITION REGARDING 15 SEALING COMPLAINT 16 X (BY EMAIL OR ELECTRONIC TRANSMISSION): Pursuant to F.R.C.P. 17 Rule 5(b)(2)(E), I caused the above-named document to be sent by electronic 18 transmission from email address connie.white@ayslaw.com, and electronically transmitted to the person(s) at the email address(es) listed in the Service List (attached). I did not receive, within a reasonable time after the transmission, any 20 electronic message or other indication that the transmission was unsuccessful. [F.R.C.P. Rule 5(b)(2)(E).] 21 22 X I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct. 23 24 Executed on September 16, 2022 at Los Angeles, California. 25 26

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/s/ Connie White

Connie White

SERVICE LIST 1 2 Jane Doe, Individually and as Guardian Plaintiff(s) Pro Se On Behalf of John Doe, a minor JANE DOE, Individually and as 3 4001 S. Decatur Blvd. Guardian on behalf of JOHN DOE, a minor individual Las Vegas, NV 89103-5860 Phone: 725-772-5727 5 Email: Doevhaddish@gmail.com 6 7 **COURTESY COPY** 8 Debra Opri, Esq. **OPRI & ASSOCIATES** 9 8383 Wilshire Blvd., Suite 830 10 Beverly Hills, CA 90211-2445 11 Phone: 323-658-6774 | Fax: 323-658-5160 Email: dopri@debraopri.com 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

CERTIFICATE OF ELECTRONIC SERVICE